

## **EXHIBIT 3**

**DICKSTEINSHAPIRO<sub>LLP</sub>**

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October 3, 2006

Via FedEx

Ms. Elizabeth A. Fegan  
HAGENS BERMAN SOBOL SHAPIRO LLP  
60 West Randolph, Suite 200  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents; MDL 1456

Dear Ms. Fegan:

Enclosed please find one Hard Drive containing BAX MDL S 1045641 – BAX MDL S 1069202 which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. Enclosed is a reference chart with the production names on the Hard Drive.

Please return the Hard Drive to Dickstein Shapiro or send a check for \$300.00 per Hard Drive for the cost of replacements.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis. Please do not hesitate to contact me should you have any questions.

Sincerely,



Shamir Patel  
(202) 420-2728  
patels@dicksteinshapiro.com

SP/sp